HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 788 of 2002 (MS)

Suresh Chandra Gupta & others ..... Petitioners

Versus

Sagar Mal Gupta ..... Respondent

Sri B.P. Nautiyal, Advocate for the petitioners.
Sri Ram Ji Srivastava, Advocate for the respondent.

Dated: 24.8.2004

Hon. Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioners have prayed for a writ of certiorari quashing the orders dated 27.10.1999 and 22.7.2002 passed by the Civil Judge, Dehradun and Addl. District Judge, Dehradun respectively.

Briefly stated the facts giving rise to the present writ petition are that he respondent has filed a suit against the petitioners for perpetual injunction. The trial Court has framed issued in the suit and issue no. 7 was framed regarding the valuation of counter claim. The trial Court vide order dated 27.10.1999 fixed the valuation of the counter claim. The petitioner has preferred an appeal against the said order and the same was also dismissed.

Without entering into the merits of the controversy, since the order passed by the trial Court is interlocutory in nature it will be open for the petitioner to challenge the same when appeal is preferred against the final order.

Subject to the aforesaid observation, the writ petition is dismissed. No order as to costs.

(Rajesh Tandon J.)

24.8.2004
*Dhyani